

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MCI COMMUNICATIONS SERVICES, INC. d/b/a
VERIZON BUSINESS,

Plaintiff,

-against-

URBAN FOUNDATIONS, INC. and JET-DRIVE
GENERAL MARINE CONTRACTING CO. INC.,

Defendants.
-----X

ANSWER

08-CV-00036
(JSR)

The defendants, **URBAN FOUNDATIONS, INC. and JET-DRIVE GENERAL MARINE CONTRACTING CO., INC.**, by their attorneys, The Law Offices of Edward Garfinkel, as and for an answer to the amended complaint of the plaintiff herein, respectfully allege upon information and belief:

JURISDICTION AND VENUE

FIRST: Admit paragraphs **2, 3** of the complaint.

SECOND: Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraphs **1, 5** of the complaint.

THIRD: Deny paragraph **4** of the complaint.

BACKGROUND INFORMATION

FOURTH: Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraphs **6, 7** of the complaint.

ANSWERING THE FIRST CAUSE OF ACTION

FIFTH: Repeat the admissions and denials to the paragraph of the complaint repeated and re-alleged in paragraph **8** of the complaint.

SIXTH: Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph **10** of the complaint.

SEVENTH: Deny paragraph **9, 11, 12** of the complaint.

ANSWERING THE SECOND CAUSE OF ACTION

EIGHTH: Repeat the admissions and denials to the paragraph of the complaint repeated and re-alleged in paragraph **13** of the complaint.

NINTH: Deny paragraphs **14, 15, 16, 17** of the complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

That the injuries and damages to the plaintiff were caused in whole or in part or were contributed to by the culpable conduct and want of care on the part of the plaintiff and any such alleged damages should be fully or partially diminished by said culpable conduct and want of care pursuant to CPLR Article 14-A.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

That the plaintiff received remuneration and/or compensation for some or all of his claimed economic loss and that the defendant is entitled to have plaintiff's award, if any, reduced by the amount of that remuneration and/or compensation, pursuant to Section 4545(c) of the Civil Practice Law and Rules and the Federal Rules of Civil Procedure.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

That the liability of the defendants, URBAN FOUNDATIONS, INC. and JET-DRIVE GENERAL MARINE CONTRACTING CO., INC., if any, does not exceed fifty percent (50%) of the liability assigned to all persons and that the liability of the defendants, URBAN FOUNDATIONS, INC. and JET-DRIVE GENERAL MARINE CONTRACTING CO., INC., if any, for non-economic loss is limited pursuant to Article 16 of the CPLR.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

That the plaintiff failed to mitigate plaintiff's damages.

WHEREFORE, the defendants, **URBAN FOUNDATIONS, INC. and JET-DRIVE GENERAL MARINE CONTRACTING CO., INC.**, demand judgment dismissing the complaint and further demand judgment over and against the plaintiff, for the amount of any judgment obtained against these defendants, **URBAN FOUNDATIONS, INC. and JET-DRIVE GENERAL MARINE CONTRACTING CO., INC.**, by the plaintiff or on the basis of apportionment of responsibility in such amounts as a jury or Court may direct together with costs, disbursements, and expenses of this action including attorneys' fees.

Dated: New York, New York
May 2, 2008

Yours etc.,
The Law Offices of Edward Garfinkel
Attorneys for Defendants,
URBAN FOUNDATIONS, INC. and JET-
DRIVE GENERAL MARINE
CONTRACTING CO., INC.

By: 

Marc Silverstein (MS-8229)

110 William Street
New York, New York 10038-3901
(212) 809-8000
Our File No.: NYNY 27159

TO:
GIBBONS PC
Attorneys for Plaintiff
One Pennsylvania Plaza, 37th Floor
New York, New York 10119-3701
(212) 613-2000
By: Lisa Lombardo (LL-2532)

HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.
320 South Boston Avenue, Suite 200
Tulsa, OK 74103-3706
(918) 594-0400